

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Martin R. Prince

Application No.: 10/808,693

Confirmation No.: 6061

Filed: Mar. 25, 2004

Art Unit: 3737

For: METHOD AND APPARATUS FOR
MAGNETIC RESONANCE IMAGING USING
CONTRAST AGENTS

Examiner: Lamprecht, J.

RESPONSE C

To the Commissioner for Patents:

Applicant requests reconsideration and withdrawal of the rejections made in the final office action mailed Sep. 24, 2009.

Claims 60-67 and 69-79 were rejected for nonstatutory obviousness-type double patenting over claims 1-21 of U.S. Pat. No. 6,889,072. Applicant disagrees with the Examiner's position and considers the pending claims to be patentably distinct from the claims of the "prior" patent. Nevertheless, Applicant files a terminal disclaimer with this response to obviate the rejections and expedite prosecution. Applicant's choice of this expedient should in no way be construed as an acquiescence to the rejection of these claims or an admission that the claims are not patentably distinct from the claims of the "prior" patent. See *Quad Environmental Technologies Corp. v. Union Sanitary Dist.*, 946 F.2d 870, 874 (Fed. Cir. 1991) ("In legal principle, the filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither presumption nor estoppel on the merits of the rejection").

Respectfully submitted,

Dated: December 16, 2009

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